

Remarks

The foregoing proposed amendment presents amended claims 1, 10, 13, and 18. As a result of this Amendment, claims 1-4 and 6-20 remain in the application. Claim 5 was previously cancelled.

Regarding Kolls, U.S. Patent No. 6,389,337 ("Kolls"), one of ordinary skill in the art at the time of the present invention would not have known of the teaching in Kolls since Kolls issued on May 14, 2002 and the present invention was filed on November 27, 2001. Furthermore, it would appear to be the improper use of hindsight to attempt to use the Applicant's own technology as described in the Applicant's background section in attempt to obviate the present invention. Although XM radio does use selective call addressing, there is no teaching or suggestion of group addressing in the background or in the cited references of a digital audio receiver that selectively decodes messages based on a selective call address at at least one environmental input that includes vehicle health conditions as recited in the claims.

Once again, we submit that Kolls fails to obviate or anticipate the claims as amended. Although it appears that in Kolls, reference is made to a wireless data link 276 that could potentially use a satellite receiver and to certain vehicle monitor and metering means having an interface 260 that can include an accelerometer 262, a tachometer 264 and an odometer 266, these elements are not used as claimed. They are not measuring the vehicle health conditions recited in the claims as amended. Kolls also includes advertisement selection using GPS, user's listening history or using cookies using user's specific data such as a user's buying habits and listening habits. Although Kolls specifically mentions an accelerometer, a tachometer, and an odometer, Kolls clearly fails to suggest, mention or contemplate the use of these "vehicle health" or environmental inputs as recited in the Applicant's amended claims to serve as criteria in the selection of messages as now claimed in the present invention. Kolls only appears to monitor the usage of the radio. Amended claim 1 now recites environmental inputs including odometer reading, a vehicle emergency system status, a vehicle user alert, a temperature reading, a tire pressure reading, a coolant level, an airbag deployment status. Note that other environmental inputs can also be used in the dependent claims in conjunction with the vehicle specific environmental inputs of amended claim 1. In another embodiment of the invention, note that

claim 10 recites using at least 2 criteria which includes the vehicle specific environmental inputs and also location as an environmental input.

U.S. Patent Publication 2001/0027111 to Montegi et al. (hereinafter "Montegi") discusses a group communication system for mobile terminals. Montegi fails to disclose the use of a digital audio receiver (or a satellite digital audio receiver) that uses the following vehicle health conditions: odometer reading, temperature reading, temperature reading, tire pressure reading, a coolant level, an air bag deployment status, an ABS break status, or an engine status. Nor does the mobile terminal in Montegi appear to selectively decode messages based on a selective call address and at least one of these vehicle health conditions at a digital audio receiver. Montegi certainly fails to teach a digital audio radio, let alone a satellite digital audio receiver as claimed in claims 12 and 18. Thus, the Applicant respectfully believes claims 1-4 and 6-20 overcome the rejections based on 35 USC Section 103(a) as being unpatentable over Kolls in view of Montegi.

Furthermore, the concept of dynamic addressing as claimed in the present invention is quite different from the use of cookies as commonly used in web browsers and in Col. 36, lines 51-57 of Kolls. The cookies in Kolls appear to be "left behind" as a result of visits to websites by the user or possibly other user habits. Addresses (or the ability to decode messages) in Kolls are not dynamically changed or modified based on the data obtained from the plurality of environmental inputs as specified in the claims. Kolls fails to suggest, mention or contemplate the use of one environmental input received (such as vehicle health status specific environmental inputs) to create a modified group address and where a processor further compares the modified group address with a received group address associated with one of a plurality of content specific messages as recited in claim 14. Nor does Koll suggest or teach the use of a processor to compare a received group address from one of a plurality of content specific messages with an address in a current group address table that is updated with group addresses from a comprehensive group address table based on the environmental inputs received at the digital receiver unit as recited in claim 16. Thus, the Applicant once again respectfully believes claims 1-4 and 6-20 overcome the rejections based on 35 USC Section 103(a) as being unpatentable over Kolls in view of Montegi for the reasons stated above.

An indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

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Date

Respectfully submitted,

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